5795813/2022/TW-LTR-SOW01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TW Dept., – LTR – **Sri Gosula Pullaiah, S/o. (Late) Muthaiah** and one other, R/o. Gundala Colony, Yetapaka Mandal, East Godavari District - Revision Petition filed under the provision of A.P.S.A.L.T.R.1959 as amended by 1/70 – Land measuring Acres 0.69 guntas in Survey No:224/1E, Acres 1.03 guntas in Survey No:224/1EE and Acres 1.03 guntas in Survey No:224/1/Y.U of Pinapalli (V), Bhadrachalam (M), Khammam District against the orders of the Additional Agent to Government, Rampachodavaram, East Godavari District – Revision Petition allowed and set aside the orders of Primary Authority and Appellant Authority – Orders - Issued.

SOCIAL WELFARE (TW.LTR.2) DEPARTMENT

G.O.Ms.No.25 **Dated:22.04.2022**

Read the following:-

1. LTR.No.12/Bhadrachalam/2004, orders issued by the Agency Divisional Officer, Bhadrachalam, Khammam District, dated 04.11.2008, on the petition filed by the State Government i.e the Mandal Revenue Officer (TW), Bhadrachalam (M), Khammam District.
2. C.M.A.No.212/2007 orders issued by the Addl. Agent to Govt., Bhadrachalam , Khammam District, dated 21.06.2008 on the appeal filed by **Sri Gosula Pullaiah, S/o. Late Muthaiah** and one other, R/o. Gundala Colony, Yetapaka Mandal, East Godavari District .
3. Revision Petition filed by **Sri Gosula Pullaiah, S/o. Late Muthaiah** and one other R/o. Gundala Colony, Yetapaka Mandal, East Godavari District, dated.17.01.2006.
4. Govt.Memo.No. 10683/LTR-2/2008, dated.12.01.2009.
5. From the P.O., ITDA, Rampachodavaram, East Godavari District, dated: 06.12.2012.
6. Govt.Lr.No.15026/18/LTR-2/2018, dated.11.09.2018, 30.01.2019 16.08.2021, 03.11.2021 and 25.02.2022.

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ORDER:

In the refeence 1st read above, the State Government i.e the Mandal Revenue Officer (TW), Bhadrachalam (M), Khammam District has filed a complaint before the Agency Divisional Officer, Bhadrachalam, Khammam

(P.T.O.)

District under Section 3 (1) of the APSALTR 1 of 1959 as amended by Regulation 1 of 1970 for restoration of the Petition Scheduled land in favour of Government after ejecting the Non-Tribe respondents Sri Kondisetti Nageswara Rao, R/o. Bhardachalam, Gosula Pullaiah and Kannaiah, S/os. of Muthaiah, R/o. Gundala Colony, Yetapaka Mandal, East Godavari District.

2. In the said petition of above, the Agency Divisional Officer, Bhadrachalam have issued ejectment Orders vide LTR.No.12/Bhadrachalam/2004 on the complaint filed by the Mandal Revenue Officer (TW), Bhadrachalam, Khammam District under section 3 (1) of the Andhra Pradesh State Area Land Transfer Regulation Act 1/1959, as amended by the Regulation 1 of 1970 for restoration of the Petition Scheduled Land Acres 0.69 guntas in Survey No:224/1E, Acres 1.03 guntas in Survey No:224/1EE and Acres 1.03 guntas in Survey No:224/1/Y.U of Pinapalli (V), Bhadrachalam (M), Khammam District from the non-tribal respondents Sri Kondisetti Nageswara Rao, R/o. Bhardachalam, Sri Gosula Pullaiah and Kannaiah, S/os. of Muthaiah, R/o. Gundala Colony, Yetapaka Mandal, East Godavari District.

3. Aggrieved by the above orders, Sri Gosula Pullaiah and Kannaiah, S/os. of Muthaiah, R/o. Gundala Colony, Yetapaka Mandal, East Godavari District have filed an appeal petition before the Additional Agent to Government, Bhadrachalam, Khammam District under Rule 8(2) of AP Scheduled Areas Land Transfer Rules 1/1969.

4. In the reference 2nd read above, the Project Officer, ITDA / Additional Agent to Government, Rampachodavaram, East Godavari District being the Lower Appellate Authority in 212/2007, dated. 21.06.2008 has disallowed the appeal by upholding the orders of the Agency Divisional Officer, Bhadrachalam, Khammam District issued in LTR.No.12/Bhadrachalam/2004 i.e., confirmed the right of the Government over the land measuring Acres 0.69 guntas in Survey No:224/1E, Acres 1.03 guntas in Survey No:224/1EE and Acres 1.03 guntas in Survey No:224/1/Y.U of Pinapalli (V), Bhadrachalam (M), Khammam District.

5. In the reference 3rd read above, **Sri Gosula Pullaiah, S/o. Late Muthaiah** and one other R/o. Gundala Colony, Yetapaka Mandal, East Godavari District have filed a Revision Petition on 04.11.2008 for the the land measuring Acres 0.69 guntas in Survey No:224/1E, Acres 1.03 guntas in Survey No:224/1EE and Acres 1.03 guntas in Survey No:224/1/Y.U of Pinapalli (V), Bhadrachalam (M), Khammam District, before the Government under the provisions of A.P.S.A.L.T.R., 1959 as amended by 1/70 against the orders passed by the Additional Agent to Government, Bhadrachalam (M), Khammam District in C.M.A.No.212/2007, dated. 21.06.2008 in the 2nd read above.

6. After examining the Revision Petition filed by **Sri Gosula Pullaiah S/o Late Muthaiah** and one other R/o. Gundala Colony, Yetapaka Mandal, East Godavari District, Government while admitting the same have called for parawise remarks along with the connected case records from the P.O., ITDA, Rampachodavaram, East Godavari District in the reference 4th read above.

7. The Addl. Agent to Govt. (P.O., I.T.D.A.), Rampachodavaram, East Godavari District has furnished the parawise remarks along with the connected case records on 18.05.2010 vide reference 5th read above.

8. The Revision petition was filed on 17.01.2006 in United Andhra Pradesh State and the Land Situated in Bhadrachalam (M), Khammam District. After bifurcation of the Andhra Pradesh State, the land allotted to Yetapaka Mandal, East Godavari District. Hence, at present the land situated in Yetapaka Mandal, East Godavari District, Andhra Pradesh State.

9. In the reference 6th read above, both the parties and their councils were called for the hearings. The Special Deputy Collector, Rampachodavaram and the Council for the petitioner have attended the hearings conducted by the Appellate Authority on 03.11.2018, 09.02.2019 and 24.07.2021 and upon perusing the records/ evidences/ grounds filed by the Revision Petitioners, the Appellant Authority have come to the conclusion and opined/ observed that:

- During the course of hearing of the case that the revision petitioners submitted their arguments as per grounds in revision petition and also filed written arguments and on verification of documents and the grounds of revision and Para wise remarks as well as the other documents and material available on the record it is noticed that the revision petitioners said to have been in possession of land and the lower authorities considering that for the year 2004-05 iii the Pahani its shows that Gosula peoples are pattadar and K. Nageswara Rao as enjoyer and on that the lower primary authority ordered for ejectment and the same was upheld by the appellant authority that as there is transaction in violation of regulation.

- The contention of the revision petitioner is that the possession and enjoyment of the property is with them and there is no prohibitory transaction and further the entry in the pahani 2004-05 is false entry and there is no connected document or record to incorporate the same by the revenue authorities as such the orders of the lower authorities not sustainable and prays to allow the revision.

- That considering the above material that it is observed that there is no documentary evidence to show the transfer of schedule land as stated by the revenue authority and further there is explanation from them how the entry of enjoyer incorporated in the pahani and the said entry is only for that year and on that it can be concluded that the said entry is not conclusive proof that there is transfer and further it is also observed that there is no tribal interest involved in present case and on that it can be

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concluded that there is no violation of regulations by the petitioners and their possession of land is as per regulations.

- In the result the revision petition is allowed by setting aside the orders of the primary authority and appellant authority.

10. The Collector & District Magistrate, Alluri Sitaramaraju District, Paderu is requested to take necessary action in the matter accordingly and **acknowledge the receipt of the case records, which are returned herewith.**

11. This order shall be published in apegazette.cgg.gov.in.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT (TW)

To

(1) The Collector & District Magistrate, Alluri Sitaramaraju District, Paderu. PIN:531024. (w.e.)
(2) The Additional Agent to Govt. cum Project Officer, ITDA, Rampachodavaram, Alluri Sitaramaraju District. PIN-533288.
(3) The Special Deputy Collector, Rampachodavaram, Alluri Sitaramaraju District. PIN-533288.
(4) The Tahsildar, yetapaka (M), Alluri Sitaramaraju District. PIN-533436.
(5) Sri Mantripragada Ganapathi Rao & Raviteja, Advocates, Bhadrachalam, Khammam District, Telangana State, PIN- 507111, Cell No. 9908009693.
(6) Sri Gosula Pullaiah S/o. Late Muthaiah, R/o. Gundala Colony, Yetapaka Mandal, Alluri Sitaramaraju District,
(7) Sri Gosula Kannaiah, S/o. Late Muthaiah, R/o. Gundala Colony, Yetapaka Mandal, Alluri Sitaramaraju District.
(8) Sri Kondisetti Nageswara Rao, S/o. Pothuraju (Late), R/o. Old Market Road, Bhadrachalam , Khammam District, Telangana State.

Copy to:

(9) The P.S. to Hon'ble Dy. Chief Minister (TW)
(10) The P.S. to Secretary (TW)
(11) The Director Printing, Stationary (for publication in the AP Gazette)
(12) SF/SC.

// FORWARDED : : BY ORDER //

A. Narasimha Rao

SECTION OFFICER